



DUE TO THE COVID-19 STATE OF EMERGENCY AND PURSUANT TO WAIVERS TO CERTAIN BROWN ACT PROVISIONS UNDER THE GOVERNOR'S EXECUTIVE ORDERS, THIS MEETING IS BEING CONDUCTED VIA TELECONFERENCE AND THERE WILL BE NO PHYSICAL LOCATION FROM WHICH MEMBERS OF THE PUBLIC MAY PARTICIPATE

MEMBERS OF THE PUBLIC ARE ENCOURAGED TO PARTICIPATE IN THE BOARD MEETING OPEN SESSION BY GOING TO <https://zoom.us/j/473903192> OR BY CALLING 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782 or 1-301-715-8592 or 1-312-626- 6799 or 1-929-205-6099 (WEBINAR ID: 473 903 192) (CLOSED SESSION WILL NOT BE ACCESSIBLE TO MEMBERS OF THE PUBLIC; HOWEVER, INSTRUCTIONS FOR PUBLIC COMMENT ON CLOSED SESSION ITEMS ARE PROVIDED IN ITEM #4.)

MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE BOARD UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT WRITTEN COMMENTS TO OUR BOARD SECRETARY BY EMAIL AT DWASHBURN@RAINBOWMWD.COM OR BY MAIL TO 3707 OLD HIGHWAY 395, FALLBROOK, CA 92028. ALL PUBLIC COMMENTS RECEIVED **AT LEAST ONE HOUR IN ADVANCE OF THE MEETING** WILL BE READ TO THE BOARD DURING THE APPROPRIATE PORTION OF THE MEETING. THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT'S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

RAINBOW MUNICIPAL WATER DISTRICT BOARD MEETING

Tuesday, April 28, 2020

Closed Session 12:00 p.m.

Open Session 1:00 p.m.

THE PURPOSE OF THE REGULAR BOARD MEETING IS TO DISCUSS THE ATTACHED AGENDA

District Office

3707 Old Highway 395

Fallbrook, CA 92028

Board Agenda Policies

Board of Directors Meeting Schedule Regular Board meetings are normally scheduled for the 4th Tuesday of the month with Open Session discussions starting time certain at 1:00 p.m.

Breaks It is the intent of the Board to take a ten-minute break every hour and one-half during the meeting.

Public Input on Specific Agenda Items and those items not on the Agenda, Except Public Hearings Any person of the public desiring to speak shall fill out a "Speaker's Slip", encouraging them to state their name, though not mandatory. Such person shall be allowed to speak during public comment time and has the option of speaking once on any agenda item when it is being discussed. Speaking time shall generally be limited to three minutes, unless a longer period is permitted by the Board President.

Public Items for the Board of Directors' agenda must be submitted in writing and received by the District office no later than 10 business days prior to a regular Board of Directors' Meeting.

Agenda Posting and Materials Agendas for all regular Board of Directors' meetings are posted at least seventy-two hours prior to the meeting on bulletin boards outside the entrance gate and the main entrance door of the District, 3707 Old Highway 395, Fallbrook, California 92028. The agendas and all background material may also be inspected at the District Office.

You may also visit us at www.rainbowmwd.com.

Time Certain Agenda items identified as "time certain" indicate the item will not be heard prior to the time indicated.

Board meetings will be recorded as a secretarial aid. If you wish to listen to the recordings, they will be available after the draft minutes of the meeting have been prepared. There is no charge associated with copies of recordings. Recordings will be available until the minutes of such meeting are approved. Copies of public records are available as a service to the public; a charge of \$.10 per page up to 99 pages will be collected and \$.14 per page for 100 pages or more.

If you have special needs because of a disability which makes it difficult for you to participate in the meeting or you require assistance or auxiliary aids to participate in the meeting, please contact the District Secretary, (760) 728-1178, by at least noon on the Friday preceding the meeting. The District will attempt to make arrangements to accommodate your disability.

(*) - Asterisk indicates a report is attached.

Notice is hereby given that the Rainbow Municipal Water District Board of Directors will hold Closed Session at 12:00 p.m. and Open Session at 1:00 p.m. Tuesday, April 28, 2020, at the District Office located at 3707 Old Highway 395, Fallbrook, CA 92028. At any time during the session, the Board of Directors Meeting may adjourn to Closed Session to consider litigation or to discuss with legal counsel matters within the attorney client privilege.

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL: Brazier ___ Hamilton ___ Gasca ___ Mack ___ Rindfleisch ___**
3. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**
4. **ORAL/WRITTEN COMMUNICATIONS FROM THE PUBLIC
OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD REGARDING
CLOSED SESSION AGENDA ITEMS (Government Code § 54954.2).**
Under Oral Communications, any person wishing to address the Board on matters regarding the Closed Session agenda should email or mailing their comments to the Board Secretary one hour before the Closed Session scheduled start time. All written public comments will be read to the Board prior to their adjournment to Closed Session. Any person wishing to speak to the Board regarding Closed Session agenda items may do so by calling (760) 728-1178, listening for "Thank you for calling Rainbow Municipal Water District ...", dialing Extension 429, and entering pin 8607 at the Closed Session scheduled start time. Once all public comment is heard, this call will be disconnected, and the Board will adjourn to Closed Session. To participate in the Open Session portion of the meeting, please follow the instructions provided at the top of Page 1 of this agenda. Speaking time shall generally be limited to three minutes, unless a longer period is permitted by the Board President.
5. **CLOSED SESSION**
 - A. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))
 - * Four Items
 - B. Conference with Legal Counsel-Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)
 - * Otay Water District v. Rainbow Municipal Water District
 - C. Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)
 - * Kessner et al., v. Rainbow Municipal Water District, et al.
 - D. Conference with Legal Counsel – Potential Initiation of Litigation (Government Code § 54956.9(d)(4))
 - * Two Cases
6. **REPORT ON POTENTIAL ACTION FROM CLOSED SESSION**

Time Certain: 1:00 p.m.

(*) - Asterisk indicates a report is attached.

7. REPEAT CALL TO ORDER
8. PLEDGE OF ALLEGIANCE
9. REPEAT ROLL CALL: Brazier____ Hamilton____ Gasca____ Mack____ Rindfleisch____
10. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION
11. REPEAT ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)
12. ORAL/WRITTEN COMMUNICATIONS FROM THE PUBLIC
 OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD REGARDING ITEMS NOT ON THIS AGENDA (Government Code § 54954.2).
Under Oral Communications, any person wishing to address the Board on matters not on this agenda should indicate their desire to speak or may email or mail their comments to the Board Secretary one hour before the Open Session scheduled start time. All written public comments received will be read to the Board during the appropriate portion of the meeting. No action will be taken on any oral communications item since such item does not appear on this Agenda, unless the Board of Directors makes a determination that an emergency exists or that the need to take action on the item arose subsequent to posting of the Agenda (Government Code §54954.2). Speaking time shall generally be limited to three minutes, unless a longer period is permitted by the Board President.
13. EMPLOYEE RECOGNITIONS
 - A. Thomas Sjuneson (20 Years)
- *14. APPROVAL OF MINUTES
 - A. March 24, 2020 - Regular Board Meeting
- *15. BOARD OF DIRECTORS' COMMENTS/REPORTS
 Directors' comments are comments by Directors concerning District business, which may be of interest to the Board. This is placed on the agenda to enable individual Board members to convey information to the Board and to the public. There is to be no discussion or action taken by the Board of Directors unless the item is noticed as part of the meeting agenda.
 - A. President's Report (Director Brazier)
 - B. Representative Report (Appointed Representative)
 1. SDCWA
 - A. Summary of Board Meeting March 26, 2020
 2. CSDA
 3. LAFCO
 4. San Luis Rey Watershed Council
 5. Santa Margarita River Watershed Watermaster Steering Committee
 6. ACWA
 - C. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)
 1. Board Seminar/Conference/Workshop Training Attendance Reports
 - D. Directors Comments
 - E. Legal Counsel Comments
 1. Attorney Report: Dangerous Conditions of Public Property (501668-0002)

(*) - Asterisk indicates a report is attached.

16. COMMITTEE REPORTS

- A. Budget and Finance Committee
- B. Communications and Customer Service Committee
- C. Engineering and Operations Committee

CONSENT CALENDAR ITEMS

17. NOTICE OF COMPLETION AND ACCEPTANCE OF MINOR FACILITIES CONSTRUCTED BY DEVELOPERS

(Three fire hydrants were constructed, inspected, and tested according to the District's Standard Specifications. Upon acceptance by the Board, the improvements become part of the District water system and Staff takes over operation and maintenance. There is a one-year warranty period for all improvements which commences after board acceptance. Installation costs will be added to the District's total valuation.)

*18. DISCUSSION AND POSSIBLE ACTION TO CONSENT TO THE EXTENSION OF THE JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION COUNTY OF SAN DIEGO TRACT NO. 5498-1

(Development Solutions Bon, LLC, has requested an extension to the Joint Agreement to Improve Major Subdivision County of San Diego Tract No. 5498-1 which the District entered jointly with the County of San Diego in 2016. The extension will give the Developer more time to complete construction of the proposed improvements for the Golf Green Estates Development.)

BOARD ACTION ITEMS

19. DISCUSSION AND POSSIBLE ACTION TO APPROVE WAIVING OF LATE FEES THROUGH JUNE 1, 2020

(In response to the economic impacts COVID-19 is having both directly and indirectly on our customers, this item is to provide the Board with an opportunity to consider having the District not charge late fees for non-payment through June 1, 2020 as well as suspend all water shut-offs for non-payment through June 1, 2020 per executive order of the governor.)

20. CONSIDER RATIFICATION OF THE GENERAL MANAGER'S EMERGENCY DECLARATION OF APRIL 18, 2020 RELATED TO THE IMMEDIATE REPAIR OF A DAMAGE SEWER LINE ON NORTH RIVER ROAD, REVIEW INFORMATION RELATED TO THE EXTENT OF REPAIRS NEEDED, AND APPROPRIATE FUNDS REQUIRED TO COMPLETE REPAIR WORK

*21. CONSIDER APPROVAL OF CONTRACT WITH LANCE, SOLL & LUNGHART, LLP (LSL) FOR AUDITING SERVICES

(In late February 2020, staff issued a Request for Proposals for auditing services. Staff is recommending the Board consider approving a contract with Lance, Soll & Lunghart, LLP based on review of the proposals submitted.)

*22. DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION OF NECESSITY, RESOLUTION NO. 20-02, AUTHORIZING THE ACQUISITION OF EASEMENT BY EMINENT DOMAIN FOR A PORTION OF THE PROPERTY AT 3730 FIRE ROAD, FALLBROOK, CA 92028

(Request that the Board of Directors adopt a Resolution of Necessity to acquire a 351 square foot permanent easement from Roberto and Maura Ochoa at 3730 Fire Road, Fallbrook, CA 92028 through the eminent domain process. To date, the District and Roberto and Maura Ochoa have not come to an agreement on an easement document. The easement is needed for the installation of a pressure reducing station and associated appurtenances for the District to continue to provide reliable water services to its customers.)

(*) - Asterisk indicates a report is attached.

- *23. DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION OF NECESSITY, RESOLUTION NO. 20-05, AUTHORIZING THE ACQUISITION OF EASEMENT BY EMINENT DOMAIN FOR A PORTION OF THE PROPERTY AT 7650 CAMINO DEL REY, BONSTALL, CA 92003**
(Request that the Board of Directors adopt a Resolution of Necessity to acquire a 15,000 square foot permanent easement from EWM Investments, LLC. at 7650 Camino Del Rey, Bonsall, CA 92003 through the eminent domain process. To date, the District and EWM Investments, LLC have not come to an agreement on an easement document. The easement is needed for the installation of a permanent pump station and associated appurtenances for the District to continue to provide reliable water services to its customers.)
- *24. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE AWARD OF THE CONSTRUCTION CONTRACT FOR THE OLIVE HILL ESTATES TRANSMISSION LINE RECONNECTION PROJECT**
(Request that the Board of Director authorize the award of the construction contract for the Olive Hill Estates Transmission Line Reconnection Project to T.E Roberts, Inc. in accordance with the California Public Contracting Code for a not to exceed amount of \$1,128,075. The project includes the installation of a new transmission line that will increase system looping, and flow from the northern Metropolitan Water District aqueduct connections to the south pressure zone (Hutton zone), which is needed during San Diego County Water Authority aqueduct shutdowns.)
- *25. DISCUSSION AND POSSIBLE ACTION TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (“SCIP”) AND BECOME A PARTICIPATING MEMBER AGENCY, AND ADOPT A RESOLUTION “FORM OF RESOLUTION OF INTENTION TO BE ADOPTED BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (“CSCDA”)**
(This is a statewide program for infrastructure financing on developer projects, reducing upfront costs for development. To participate in this state program, the Board must take action.)
- *26. REVIEW AND CONSIDER RESOLUTION 20-07 WHICH RELATES TO THE ENVIRONMENTAL IMPACT REPORT (AND 2020 ADDENDUM) FOR THE PARDEE “MEADOWOOD” DEVELOPMENT AND AUTHORIZE GENERAL MANAGER TO EXECUTE AN AGREEMENT FOR OUT OF AGENCY SERVICE TO TRANSFER WATER AND WASTEWATER SERVICE FUNCTIONS FOR THE PARDEE “MEADOWOOD” DEVELOPMENT FROM THE VALLEY CENTER MUNICIPAL WATER DISTRICT TO THE RAINBOW MUNICIPAL WATER DISTRICT AND AN ANNEXATION AGREEMENT BETWEEN PARDEE HOMES AND RAINBOW MUNICIPAL WATER DISTRICT FOR THE ULTIMATE ANNEXATION OF THE DEVELOPMENT INTO RAINBOW MUNICIPAL WATER DISTRICT**
(The Out of Agency Service Agreement and the Annexation Agreement set out the process by which RMWD would provide water and sewer service to the Meadowood development, consistent with the certified FEIR and proposed Addendum to the FEIR. The Meadowood development will bring approximately \$18 Million in capacity fees and generate over \$800,000 per year in monthly water service fees and wastewater fees based on our current rates. Board action is required to approve the agreements.)

(The Pardee FEIR documents are available at <https://www.rainbowmwd.com/pardee-meadowood-documents> for download. The size of these documents makes the printing of them into the board packet impractical.)
- 27. DISCUSSION AND POSSIBLE ACTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO PROVIDE DESIGN SERVICES FOR THE RICE CANYON TANK TRANSMISSION PL TO I-15 - SR76 CORRIDOR DESIGN PROJECT**
(Construction of the Rice Canyon Tank Transmission Pipeline would enable the District Operators to cycle water in the Rice Canyon Tank by feeding water to the existing and proposed developments along Horse Ranch Creek Road. This project was identified in the Water and Wastewater Master Plan and has become more necessary as the development of this area continues.)

(*) - Asterisk indicates a report is attached.

- *28. DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 20-06 AMENDING AND UPDATING ADMINISTRATIVE CODE TITLE 1 – GENERAL PROVISIONS**
(As part of the ongoing process of providing clarification as well as updates that are in line with current practices and procedures, staff conducted a thorough review of RMWD’s Administrative Code Title 1 and have prepared proposed changes for Board consideration.)
- 29. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

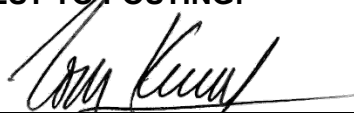
BOARD INFORMATION ITEMS

- 30. COVID-19 EMERGENCY UPDATE**
- 31. STRATEGIC PLAN WORKSHOP UPDATE**
- 32. SOCIAL MEDIA RESPONSE**
- *33. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**

- A. General Manager Comments**
 - 1. Meetings, Conferences and Seminar Calendar
- B. Operations Comments**
 - 1. Operations Report
- C. Engineering Comments**
 - 1. Engineering Report
 - 2. As-Needed Services Expenditures Summary
 - 3. RMWD Sewer Equivalent Dwelling Units (EDU’s) Status
- D. Human Resource & Safety Comments**
 - 1. Human Resources Report
 - 2. Organizational Chart
- E. Finance Comments**
 - 1. Information Report
 - 2. Budget vs. Actual Fund 1, 2, and 3
 - 3. Fund Balance Projections
 - 4. Treasury Report
 - 5. Five Year Demand
 - 6. Credit Card Breakdown
 - 7. Directors’ Expense
 - 8. Check Register
 - 9. Water Sales Summary
 - 10. Developer Projections
 - 11. RMWD Properties

- 34. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**
- 35. ADJOURNMENT - To Tuesday, May 26, 2020 at 1:00 p.m.**

ATTEST TO POSTING:



FOR: Carl Rindflesich
 Secretary of the Board

4-28-20 @ 8:00 a.m.

 Date and Time of Posting
 Outside Display Cases

(*) - Asterisk indicates a report is attached.